

Appendices

- A. Minutes of the Cambridge Historical Commission Meeting of August 4, 2005
- B. Timeline of Study Committee Activities
- C. Mission survey form
- D. Mission Survey Tabular Results and Narrative Description
- E. Survey Comments, Sorted Positive to Negative
- F. Effect of Proposed Jurisdiction Changes on Avon Hill NCD Cases, 2005-present
- G. Communications from the public
 - 1. Theresa Hamacher letter of July 26, 2005
 - 2. Arthur Bardige letter of August 2, 2005
 - 3. Mary Jane Kornacki letter of January 18, 2006
 - 4. John Bagalay letter of February 8, 2006
 - 5. Nelson Gore letter of March 27, 2006
 - 6. Eric Wodlinger Memo of March 29, 2006
- H. Proposed Amendments to the Present Avon Hill NCD Order

Appendix A: Minutes of the Cambridge Historical Commission (excerpt)

August 4, 2005 - 806 Massachusetts Avenue - 6:00 P.M.

Members present: Chair King; Vice Chair Irving; Messrs. Albert, Bibbins, Bonislowski, and Shirley

Staff present: Mr. Sullivan, Ms. Burks, Ms. Zimmerman

Public present: See attached list.

Public Hearing: Neighborhood Conservation District (NCD) Proceedings

Consider petitions for removal of properties from the Avon Hill NCD.

Mr. King introduced the matter. Petitions had been received from 18 property owners in the Avon Hill NCD to have their properties, which were mostly along Raymond Street, removed from the district. Mr. Sullivan said the staff memo had been mailed to all 18 owners that had submitted petitions.

Mr. King reported that Mr. Irving was also a member of the Avon Hill NCD Commission. He did not think it was necessary for Mr. Irving to recuse himself. Mr. Irving agreed.

Mr. Sullivan reviewed the petitions and the procedures of Ch. 2.78 of the City Code regarding amendment of NCDs. The petitions did not give a reason for desiring the removal of the properties from the district. Only one petition, that of Rafael Cavallaro, was initially valid with the required ten signatures of Cambridge voters; the other petitions were supplemented with additional signatures and had all been validated. The original hearing date of June 30 for the one valid petition had been continued to August 4 at the request of Mr. Cavallaro. A letter from Theresa Hamacher helped to outline some of the concerns of the petitioners. The process of amending an NCD was the same as adopting one: the City Manager appoints a study committee, the study committee meets and drafts a report, the Historical Commission reviews the recommendations of the study committee at a public hearing, and then forwards a recommendation to the City Council. The report would include the proposed boundaries of the district. He recommended that the Commission accept the petitions, ask the City Manager to appoint the study committee with representatives from the NCD Commission and the petitioners, direct the committee to consider a) the proposed exclusions on Raymond Street; b) possible amendments to the order; c) governance issues, and d) the potential for combination with the Lower Common study area. He emphasized that neither the Com-

mission nor the City Council could amend the boundaries of the district without going through the study process.

John Bagalay of 15 Raymond Street said the Commission was aware of the issues that precipitated the petitions by way of communications with the Executive Director. The issues challenged the jurisdiction and authority of the NCD Commission, so it would be inappropriate for members of the NCD Commission to serve. He hoped the City Manager would proceed as quickly as possible.

Howard Medwed of 58 Washington Avenue, Chair of the Avon Hill NCD Commission, welcomed a discussion of the procedures of the NCD Commission, but said he would be disappointed to see the boundaries of the district reduced. The NCD allowed neighbors to work out their differences. The positive outcomes outweighed the negative ones. Geographic breadth was important for yielding members to serve on the commission. The study committee should be appointed to determine what the NCD was doing right or wrong and to consider expanding the boundaries along Upland Road and Linnaean Street. He would be interested in serving on the committee.

Mr. Bagalay asked if Mr. Medwed would submit his statement for the record. Mr. Medwed agreed after he edited it to include all that he just said. Mr. King said the minutes would reflect his comments.

Ms. Hamacher said the statements in her letter were made mostly from her own personal experiences. She suggested that the study proceed as quickly as possible.

Eric Wodlinger, counsel for the Bagalays, said it was ill founded to allow NCD Commissioners on the study committee. Petitioners and other residents of the district should be on the study committee. Some petitioners were not receptive to considering the combination of Avon Hill and Lower Common because it would make the study process longer. The study should be limited to the subject of the petitions.

Judy Bagalay said she was dissatisfied with the way the NCD worked since 2000. She complained about the chair, Howard Medwed. Mr. King asked that there be no *ad hominem* testimony. He had served on several study committees and they were always open to the public; everyone could participate.

Rafael Cavallaro of 106 Raymond Street said he had voted for the NCD in the post-card poll on the understanding that all reviews would be non-binding. At some point some-

one went behind his back and made certain reviews binding. It wasn't right for one group of people to impose their views on others.

Mr. Sullivan noted that both Councilor Galluccio and Councilor Decker had written to ask the Commission to consider accepting the petitions. Mr. King reported Art and Betty Bardige had written to oppose removal of the petitioned properties from the district, but they were supportive of studying the complaints about governance issues. No further comments were offered and he closed the public testimony period.

Mr. Bibbins noted that the one-year study allowed by the ordinance was a maximum, not a minimum. Mr. Albert said that removing 18 properties could affect the functioning of the district, so it made sense to also discuss making the district larger by merging with the Lower Common area.

Mrs. Bagalay said the study should be limited to the question of removal from the district, and not include broader issues. Mr. King replied that the Commission had the authority to initiate a broad study process.

Mr. Bibbins moved that the Commission accept the petitions, ask the City Manager to appoint the study committee with representatives from the NCD Commission and the petitioners, and direct the committee to consider the boundaries and other possible amendments to the order or governance issues and the potential for combination with the Lower Common study area. Mr. Albert seconded, and the motion passed 6-0.

Appendix B: Timeline of Avon Hill Neighborhood Conservation District Boundary Study Committee Activities

May 23, 2005	Cambridge Historical Commission (CHC) staff receives 18 separate petitions from property owners on Raymond and Linnaean streets, Gray Gardens East, and West Bellevue Avenue seeking removal of their properties from the Avon Hill Neighborhood Conservation District. The Election Commission validates one petition.
June 30, 2005	Hearing scheduled before the CHC under Ch. 2.78.180 of the City Code, governing designation, amendment or rescission of neighborhood conservation districts; postponed at the request of the petitioner.
August 4, 2005	CHC receives 18 validated petitions at a public hearing; votes to accept them and request the City Manager to appoint a study committee consisting of three members of the Commission and four representatives of the petitioners and the neighborhood. The CHC charges the study committee with examining not only the petitioners' request but also the issues that may have given rise to it, including matters of jurisdiction, governance, and deportment.
August 10-Oct. 3	CHC staff writes to neighborhood property owners, interviews candidates for appointment to the study committee, and makes recommendations to the City Manager.
November 9, 2005	City Manager appoints the following as members of the study committee: Arthur Bardige, 98 Raymond Street Robert Crocker, 120 Avon Hill Street (CHC member) Theresa Hamacher, 95 Raymond Street Bruce Irving, 32C Cushing Street (CHC member) William King, 25 Hurlbut Street (CHC member) Heli Meltsner, 74 Avon Hill Street (AHNCD member) Jacqueline Olds, 30 Hillside Avenue
November 21, 2005	First meeting of the Avon Hill Neighborhood Conservation District Boundary Study Committee (AHNCDBSC). CHC staff member Sally Zimmerman provides copies of the original Avon Hill NCD Study Report of 1998, a log of Avon Hill cases, the petitions, and correspondence. Staff reviews the charge to the committee: to determine the validity of the Raymond Street boundary; whether the governance, authority or deportment of the Avon Hill NCD had contributed to the submission of the petitions; and how to interact with the Lower Common NCD study, which was then underway in an adjoining neighborhood. Art Bardige and Theresa Hamacher elected co-chairs.

- November 28, 2005 AHNCDDBSC receives a tutorial from staff on the theory and practice of neighborhood conservation districts and the history of the Avon Hill district.
- December 7, 2006 AHNCDDBSC reviews draft survey of property owners and hears report on binding/non-binding review cases in the Avon Hill NCD.
- December 8, 2005 Mission survey and comment sheet mailed to all district property owners (about 300).
- January 11, 2006 AHNCDDBSC reviewed preliminary results of the survey. The initial respondents most highly valued the district's architecture and green spaces, followed by its pedestrian orientation; its significant National Register properties, its diversity of design, and the evolution of buildings through alterations. They found the possibility of subdivision and new construction most troubling, followed by large additions, small additions, and lesser alterations. One-third had applied for a certificate; a majority said that the standards were not clear or consistently applied, and a large minority said that the commission had not conducted fair or civil hearings. Majorities said that the commission had preserved the neighborhood's character, accommodated change, and provided a positive forum for neighborhood dialogue (see Report narrative for an analysis of the final results).
- January 19, 2006 AHNCDDBSC discusses mission survey results and comments. Public comment supported preserving green space, more civility and impartiality in commission proceedings.
- February 8, 2006 AHNCDDBSC receives public comments, including a call for election of commissioners, for commissioners to act less arbitrarily, to follow guidelines, and avoid personal comments; for commissioners to state factual basis of recommendations. The chairs of the Mid Cambridge and Marsh NCDs speak on the successes and challenges of their districts. Ms. Zimmerman provides a history of Raymond Street in the context of the Avon Hill neighborhood, and recommends that while there "was no inherent historical basis for the removal of the entire street from the Avon Hill Neighborhood Conservation District," the three properties associated with the early 20th century development of Gray Gardens East – 1 Gray Gardens East and 60 and 72 Raymond Street – could be excluded. Ms. Hamacher distributes an outline of the final report with topics for discussion.
- February 15, 2006 AHNCDDBSC receives public comments objecting to exclusion of the Gray Gardens houses. The committee VOTES to accept Ms. Zimmerman's Raymond Street report (as corrected) without endorsing its recommendations. The committee reviews binding/non-binding jurisdic-

tion, relationship to zoning, demeanor issues. Ms. Zimmerman submits her parting thoughts: "a) the Mission Survey has reaffirmed the core principles on which the NCD was established and that needs to be re-communicated to the District; b) more discussion needs to take place on the Committee and with the Commission regarding the Green Space principle and how that has been implemented; c) meeting/commission issues can be dealt with in two regulatory recommendations: #1 to recommend a wholesale reappointment of the Commission by the City Manager following the conclusion of the study and #2 to establish a set of meeting protocols that emphasize balance and courtesy in decision making and d) the only substantive changes I recommend are the removal of the 3 Gray Gardens East houses and consideration of eliminating the review triggered by variances or special permits ..."

March 8, 2006

Charles Sullivan, Executive Director of the Cambridge Historical Commission, becomes staff advisor to the study committee. The AHNCD BSC meets with members of the Avon Hill NCD Commission to discuss their work to date. Howard Medwed, chair of the Commission, mentions recent reforms in procedure. Committee members mention disrespectful treatment of applicants, too much weight given to neighbors' views, excessive focus on architectural details. Medwed opposes excluding Raymond Street; better to preserve scale and integrity of district, if not expand it. Non-binding experience mixed; favors eliminating it, keeping zoning trigger for AHNCD review. Other commission members observe that proceedings sometimes lack formality. The committee also discussed the updated results of the neighborhood survey (see Report narrative).

March 29, 2006

AHNCD BSC reviews the recommendations in Ms. Hamacher's outline report:

1. Boundaries: A straw poll on amending the boundaries found three in favor of the status quo; one in favor of excluding three houses on Gray Gardens East; and one undecided.
2. Jurisdiction, governance, and deportment
 - a. All in favor of recommendation #1 regarding general purpose and approach.
 - b. General support on favor binding review of vinyl windows and siding.
 - c. Members split on eliminating non-binding reviews; discussed substituting staff review.
3. Membership. All agree with adding members from outside the district, encouraging nominations, and term limits; some disagree with appointing an entirely new commission.

4. Conduct. All agree with measures on hearing procedures, training, and education, and in general with CHC involvement with NCD commissions.

5. Appeals. Mr. King agrees to work on this topic.

AHNCDBSC also reviews the proposed amendments to the Avon Hill Order:

- Add language about preserving green vistas.
- Eliminate zoning trigger.
- Disagreement about items subject to review and non-binding review vs. administrative approvals; how to handle alterations?
- Establish term limits for members.

AHNCDBSC receives written requests from the owners of 1 Gray Gardens East and 60 and 72 Raymond Street to be excluded from the district, a memo from Eric Wodlinger, Esq., representing John and Judy Bagalay, and a report from Craig Whitaker, an architect also representing the Bagalays (see appendices).

April 26, 2006

AHNCDBSC receives public comments from Craig Whitaker regarding the nature of houses and garages on Raymond Street: as a main thoroughfare it receives more traffic than most streets; makes case for garages on the street; opposes eliminating non-binding reviews; favors making all non-National Register reviews non-binding. John Bagalay asks for specific responses to the CHC charge to the committee. Nelson Gore supports Ms. Zimmerman's recommendation to eliminate the three houses on Gray Gardens East, and supports non-binding review. Margo Walsh favors leaving the district intact. Judy Bagalay proposes making all non-National Register reviews non-binding for five years. AHNCDBSC still has no consensus about eliminating the three Gray Gardens East houses. Members discuss protecting visual form vs. original fabric. Two propose strict triggers for reviewing alterations to facades; others disagree. The staff proposes a hierarchy of character-giving features important to protect and language for administrative non-binding reviews. One member favors optional non-binding reviews by staff, with appeal to commission.

May 31, 2006

AHNCDBSC again reviews boundary issues; Mr. Sullivan observes that arguments could be made for both positions; the staff is neutral. Most members wish to keep the district intact; Ms. Hamacher dissents. Mr. Sullivan reviews initial, incomplete draft report. Mr. King observes that some changes to the membership will require amendments to the ordinance, and recommends proceeding with the changes that can be accomplished at once. Ms. Hamacher observes that the staff proposal for binding review triggers will dramatically increase the

commission's jurisdiction; proposes transferring this responsibility to the staff. Mr. Sullivan agrees if staff can bring cases to the commission for backup.

- July 12, 2006 AHNCDDBSC reviews a further version of the draft report and suggests additional changes.
- July 26, 2006 AHNCDDBSC agrees to maintain the existing boundaries of the district, including the three houses on Gray Gardens East, to maintain jurisdiction over all publicly visible facades, to drop the proposed jurisdiction over character-giving elements, and to substitute staff advisory reviews for non-binding reviews by the Commission. The Committee VOTED unanimously to approve the report on this basis and to schedule a public meeting in September.
- September 28, 2006 AHNCDDBSC holds a public meeting at St. Peter's Church and after taking public testimony VOTED unanimously to forward the report with minor amendments to the Cambridge Historical Commission for a public hearing.
- November 2, 2006 The Cambridge Historical Commission held a public hearing to review the recommendations of the AHNCDSC. The Commission voted unanimously to adopt the procedural recommendations set forth in the report, to endorse the recommendations of the Study Committee, and to forward the Committee's Final Report to the City Council.

Appendix C: Mission Survey Form

Avon Hill Neighborhood Conservation District Boundary Study Mission Survey and Comment Sheet - December, 2005

The preamble and purpose of the 1998 Avon Hill Neighborhood Conservation District order state:

The Avon Hill neighborhood is characterized by 19th and early 20th century residences of significant architectural quality sited in a cohesive pedestrian-oriented neighborhood of pleasant streetscapes with little automobile traffic, abundant mature trees and plantings, and vistas through to surrounding properties. The Avon Hill neighborhood contains National Register-listed properties of city-wide significance and is marked by the diversity of its turn-of-the-century architectural design and by the evolution of that architecture as subsequent owners have updated properties. The generous size of the neighborhood's lots and buildings contains substantial scope for subdivision, new construction, and additions which could alter or diminish the qualities and characteristics that render the neighborhood an attractive and desirable place in which to live. It is therefore recommended that an Avon Hill Neighborhood Conservation District be established for the following purposes.

The purpose of the Avon Hill Neighborhood Conservation District (the "District") is to preserve, conserve and protect the beauty and heritage of the District's architecture and landscape, to improve the quality of its environment, to establish a process for accommodating changes to properties in the District, to ensure that additions and alterations to properties are compatible with the character of the District, to offer a forum for neighborhood dialogue about changes to properties in the District, to provide technical assistance to District property owners on issues of conservation and preservation, to foster wider public appreciation of the District, and to promote the public welfare by making the District a more attractive and desirable place in which to live.

Expectations: Given the preamble and purpose statement above, what are your expectations about what the Avon Hill Neighborhood Conservation District (NCD) should "preserve, conserve and protect" in the neighborhood? Please indicate the level of importance to you of *each* of the following elements of the district.

	Very Important	Somewhat Important	Not Important
1. 19 th and early 20 th century residences of significant architectural quality	3	2	1
2. cohesive pedestrian-oriented neighborhood of pleasant streetscapes with little auto traffic	3	2	1
3. abundant, mature trees and plantings and vistas through to surrounding properties ("green space")	3	2	1
4. National Register-listed properties of city-wide significance	3	2	1
5. diversity of architectural design	3	2	1
6. evolution of architectural design through later updating	3	2	1
7. potential impacts on the district's generously-sized lots and buildings of:			
a. subdivision and new construction	3	2	1
b. large additions and accessory buildings* *accessory buildings include garages, sheds, etc.	3	2	1
c. small additions and accessory buildings	3	2	1
d. lesser alterations such as replacement windows, fences, or front yard parking	3	2	1

Experiences: What has been your experience of the Avon Hill Neighborhood Conservation District?

1. Contact with Avon Hill NCD

-Have you received notice of an Avon Hill NCD meeting or hearing? Y N

-Have you attended an Avon Hill NCD meeting or hearing? Y N

-Have you applied for approval of a project in the Avon Hill NCD? Y N

2. Interactions with Avon Hill NCD

If you have attended one or more Avon Hill NCD meetings or hearings, as an applicant or otherwise, what was your experience? The following reflect some of the comments the Study Committee has received about the District; please indicate whether you agree or disagree, based on your experience.

-the mission and standards of the District review were clear	Y	N	NA
-the Commission applied those principles consistently	Y	N	NA
-the Commission's conclusion was based on stated standards	Y	N	NA
-the Commission explained whether the review was binding or non-binding, and how that would affect its decision-making	Y	N	NA
-a distinction was made between reviews of National Register-listed properties (which require binding review) and non-National Register-listed properties (which do not)	Y	N	NA
-efforts were made to persuade or encourage applicants to adopt more appropriate alternatives	Y	N	NA
-applicants/the public had sufficient opportunity to present their views	Y	N	NA
-the Commission as a whole conducted a fair and civil hearing	Y	N	NA

Results: The following are some of the purposes for which the District was established in 1998. Please indicate whether you agree or disagree that the District has fulfilled these purposes, based on your experience.

-the District has "preserved, conserved and protected" the character of the neighborhood from inappropriate alteration	Y	N
-the District has accommodated changes to properties in ways compatible with Avon Hill's distinctive character	Y	N
-the District has provided a positive forum for neighborhood dialogue about changes to properties	Y	N
-the District has provided technical assistance to owners on issues of conservation and preservation	Y	N

Open Response: Please include your own responses or comments about the Avon Hill NCD.

Please return your survey to the Cambridge Historical Commission, 831 Massachusetts Avenue, Cambridge, MA 02139 by Wednesday, January 11, 2006. Thank you for your assistance!

Responses to this survey are confidential. If you would like to identify yourself to the Study Committee, please indicate your name and address below.

Appendix D: Mission Survey Tabular Results and Narrative Description

This report is based on a tabulation of 57 survey forms by Theresa Hamacher, Co-chair of the study committee, dated March 23, 2006. The percentages come from the second row of percentage-based results for each question asked on the survey and do not factor in responses left blank for individual questions.

Previous analyses compared answers by respondents that had attended at least one meeting of the NCD commission and those that had never attended a meeting. This report focuses primarily on the overall results, except for Section II, which deals with the public meeting experience and therefore only reports answers from persons who had attended one or more meetings. Comparisons between attendees and non-attendees are given only if there was a significant difference in their opinions (over 10% percentage point difference).

I. Expectations:

The first six questions addressed the qualities of the District that were identified as important in the purpose statement of the Avon Hill NCD Order and asked respondents to rank them. The seventh question looked at what types of alterations had the most impact and asked which types of alterations were most important.

1. 19th and early 20th century residences of significant architectural quality: 89% of all respondents ranked this Very Important; 7% as Somewhat Important; 4% saw it as Not Important. (rank among questions 1-6 = #2)
2. Cohesive pedestrian-oriented neighborhood of pleasant streetscapes with little auto traffic: 83% of all respondents found it Very Important, 13% Somewhat Important; 4% as Not Important. (rank = #3)
3. Abundant, mature trees and plantings and vistas through to surrounding properties ("green space"): 91% of all respondents found it Very Important; 9% Somewhat Important; 0% Not Important. (rank = #1)
4. National Register-listed properties of city-wide significance: 49% of all respondents found it Very Important, 32% Somewhat Important, and 19% Not Important. (rank = #4)
5. Diversity of architectural design: 43% of all respondents found it Very Important; 34% found it Somewhat Important; 23% found it to be Not Important. (rank = #5)
A comparison of responses from meeting attendees vs. non-attendees reveals that 17% of meeting attendees thought this category was Not Important while 29% of non-attendees thought it was Not Important.
6. Evolution of architectural design through later updating: 25% of all respondents found it Very Important, 36.5% Somewhat Important, and 38.5% Not Important. (rank = #6)
A comparison of responses from meeting attendees vs. non-attendees reveals that 22% of meeting attendees thought this category was Very Important while 32% of non-attendees

thought it was Very Important.

7. Potential impacts on the district's generously-sized lots and buildings of:

a) subdivision and new construction: 92% of all respondents found it Very Important; 6% found it Somewhat Important; 2% found it to be Not Important. (rank among questions 7a-7d = #1)

b) large additions and accessory buildings: 81% of all respondents found it Very Important; 13% found it Somewhat Important; 6% found it to be Not Important. (rank = #2)

A comparison of responses from meeting attendees vs. non-attendees reveals that 77% of meeting attendees thought this category was Very Important while 95% of non-attendees thought it was Very Important.

c) small additions and accessory buildings: 16% of all respondents found it Very Important; 44% found it Somewhat Important; 39% found it to be Not Important. (rank = tied for #3)

A comparison of responses from meeting attendees vs. non-attendees reveals that 47% of meeting attendees thought this category was Not Important while 20% of non-attendees thought it was Not Important.

d) lesser alterations, replacement windows, fences, front yard parking: 20% of all respondents found it Very Important; 33% found it Somewhat Important; 47% found it to be Not Important. (rank = tied for #3)

A comparison of responses from meeting attendees vs. non-attendees reveals that 54% of meeting attendees thought this category was Not Important while 37% of non-attendees thought it was Not Important.

II. Experiences:

This section dealt particularly with individual contact with the district and the public process of the commission.

1.
 - a. 94% of all respondents had received notice of a meeting or hearing
 - b. 60% of all respondents had attended a meeting or hearing
 - c. 40% of all respondents had applied for approval of a project

In question 2, all results are from respondents who had actually attended at least one meeting; 56% of those respondents had also made an application to the Commission for a certificate. The survey did not ask for clarification of whether that application required review by the commission at a public hearing or if it was handled by the staff. The questions were posed in a yes or no format, though some respondents wrote in responses when they didn't know how to answer or if they preferred to answer in some other way.

2.
 - a. 48% said the Commission mission and standards were clear; 52% said they were not clear
 - b. 64% said the Commission applied its standards consistently; 29% said they did not; 7% did not know

- c. 45.5% said the decision was based on the standards; 50% said it was not; 4.5% Other response
- d. 70% said it had been clear whether the review was binding or advisory; 23% said it had not been clear; the other responses were evenly split between Did Not Know and Other
- e. 42% said a clear distinction had been made for National Register properties; 47% said it a clear distinction was not made; 11% Other response)
- f. 76% said efforts were made to encourage appropriate alternatives; 17% said efforts were not made; 7% Other response)
- g. 87.5% said the public had sufficient opportunity to comment; 12.5% said they did not have sufficient opportunity
- h. 60% said the Commission conducted a fair and civil hearing; 40% said it had not been fair and civil

III. Results:

This section sought to determine how and/or if the purposes of the District were being met.

- a. the District has preserved, conserved and protected neighborhood character: 69% yes; 19% no; 6% Don't Know; 6% Other
A comparison of responses from meeting attendees vs. non-attendees reveals that 63% of meeting attendees thought this purpose was being met while 78% of non-attendees thought it was being met.
- b. the District has accommodated compatible changes to the neighborhood's distinctive character: 56% yes; 22% no; 13% Don't Know; 9% Other
A comparison of responses from meeting attendees vs. non-attendees reveals that 50% of meeting attendees thought this purpose was being met while 65% of non-attendees thought it was being met.
- c. the District has provided a positive forum for neighborhood dialog: 51% yes; 26% no; 21% Don't Know; 2% Other
A comparison of responses from meeting attendees vs. non-attendees reveals that 33% of meeting attendees thought this purpose was not being met while 12% of non-attendees thought it was not being met.
- d. the District has provided technical assistance on conservation and preservation: 50% yes; 8% no; 40% Don't Know; 2% Other
This is an important fact to note: 40% of respondents did not know about the services provided by the staff and the commission about technical preservation issues.

Sarah Burks
Cambridge Historical Commission

Appendix E. Survey Comments, Sorted Positive to Negative

Survey #	Comments
3 Very Pos	I found the commission to be thoughtful, knowledgeable and helpful. Raymond Street is busy and has high speed traffic. The city should address this or consider a “flexible” standard here.
16 Very Pos	I hope the boundaries are not shrunk, but instead expanded.
18 Very Pos	In general, the Avon Hill District is great. Hopefully, <u>NO</u> infill housing or large buildings. Avon Hill is a wonderful walking environment.
7 Pos	I am somewhat suspicious of the Raymond St. residents who wish to withdraw from the Conservation District.
8 Pos	I am very concerned about building into backyards, eliminating grass, trees and shrubs and the removal of old trees. There should be some rules about tree removal.
10 Pos	Your questions (other side) that were most important to us are 1,2, 7a, b, c. We would <u>not</u> like to narrow the NCD district boundaries.
12 Pos	New owner. Important missions looking forward to receiving more information.
17 Pos	Too many questions in this questionnaire. I support the idea of historical district, but to allow minor changes without too much fuss. I object to larger developments.
22 - Pos	Keep up the good work.
41 Pos	We asked for advice and received very good guidelines for our work at 114 Upland.
45 - Pos	Keep up the good work.
50 Pos	Comment on “little auto traffic”: “unrealistic” Sorry to be late in replying. Avon Hill NCD has a difficult task and has tried to be fair and unbiased in an emotionally charged climate.
55 Pos	#1: The District hearings provide a number of collateral positives – e.g. neighbors meet (often for the first time) and “on balance” good working relationships evolve; #2: Since much staff and neighbor time – though definitely not <u>all</u> of it – is wasted when a subsequent zoning decision nullifies the petitioner’s proposal, BZA and CHC should further examine “the sequence.”
11 Neutral	We have not lived here long enough to know answers to the “Results” section.

19 Neutral	I think the Commission can do a better job of providing assistance and avoiding aesthetic tangles but some community members trumpet their own narrow interests to the detriment of the community values the District Comm. represents. It would be a great loss to give in to disgruntled applicants.
20 Neutral	Response to "the District has 'preserved, conserved and protected' the character of the neighborhood from inappropriate alteration": "Somewhat". It's hard to trust the process after the mistake on Bates St. I fear that it set a precedent whereby the properties on either side of me could build in the yard, hemming me in. The residents of Raymond Street are just acting bad. They should not be catered to. Just think what could happen at Barbara Norfleet's house. Barbara Norfleet should have been allowed to build her little house over on the side of the property. Then she wouldn't have had to sell to a developer, which now could be a disaster.
24 Neutral	I was disappointed to hear of one Raymond St. property-owner's experience in trying repeatedly and unsuccessfully to obtain permission to build a much-needed garage. Otherwise, I support the purpose of the Commission.
30 Neutral	Indicated that didn't understand questions under "Expectations." Under "Experience" section: "I have not attended meetings, but I've heard feedback from others who have. Therefore am answering based on that feedback." Comment under "Interactions" section: "I've heard there was a lot of confusion about what recommendations were binding and non-binding." Comment on "the District has 'preserved, conserved and protected'": "In instances I know of, yes, like no fence around Wash. St. house."
31 Neutral	I don't like the sound of Avon Hill merging with a new Lower Common District. I would prefer that their new district be distinctly their own.
39 Neutral	Comment on "cohesive pedestrian-oriented neighborhood": "Does not apply to Raymond St., Upland, Linnaean or Mass Ave." Comment on "abundant, mature trees": Deleted "and vistas through to surrounding properties ('green space')". It is very important for a commission to understand and facilitate the needs of a homeowner and allow and assist them to improve their property in a way that makes the property <u>secure</u> , <u>safe</u> and <u>convenient</u> for the property owner and still architecturally coherent, following the pattern of development on the particular street the property is on.
40 - Neutral	It is very important to retain the large majestic trees.
44 Neutral	Comment on "small additions" and "lesser alterations": "Fine; especially if for disabled access or safety." I care mostly about open space and no big infill – small additions are fine. I dislike infill (new buildings). I dislike dividing up houses into many condos. I

	like improved "access" for aged.
49 Neutral	I regret the efforts of our area to secede from the district. I would also regret objection to trivial changes in properties.
51 Neutral	No large lots here. With regard to "expectations" questions: I live on West Bellevue Avenue. Pedestrian-oriented means "walking one's dog to relieve itself outside my house." Abundant trees etc. vistas through to surrounding properties – I look into neighbors houses from all angles of my house. No green space.
57 Neutral	[Our family has] lived [in the same house on Avon Hill] since 1919. The [tree] planted that year is now 100' tall. Ah the memories of 3 generations! Let us preserve this special neighborhood. Am to NW of Raymond St. "Creamsicle House". Regret to say was not informed of change in Bjorg and Eggert's plans that have resulted in obliteration of their back yard. What can be done to insure any similar lack of notification ever happens again. Your help would be most appreciated.
35 Neutral	Comment on "Have you attend a meeting?": "one". Responses to "a distinction was made between reviews of National Register-listed properties and non-National Register-listed properties" and "efforts were made to persuade": "Can't recall".
53 Neutral	Comment on "Have you applied for approval of a project?": "In its early days as a proposed district when it was administered by CHC."
23 Neg	Indicated "don't understand" next to question 7. NCD Commission failed to rule effectively and strongly on an inappropriate home expansion project.
27 Neg	Response to 7a: Accessory buildings rated very important; small additions rated not important. Response to 7b: Front yard parking rated very important; fences rated somewhat important; replacement windows rated not important. Responses to "Commission explained whether the review was binding or non-binding" and "a distinction was made between reviews of National Register-listed properties and non-National Register-listed properties": "Don't recall". Responses to "the District has 'preserved, conserved and protected' the character of the neighborhood" and ""has accommodated changes": "Somewhat". It was blatantly obvious that the commission had made a decision to accept expansions to 101 Washington Ave. prior to neighborhood meeting. Mature trees were removed from property without notice.
29	Comment on "efforts were made to persuade": "in not polite fashion, at times". Responses to "the District has 'preserved, conserved and protected' the charac-

Neg	<p>ter of the neighborhood” and “”has accommodated changes”: “Hard to tell”.</p> <p>I attended hearings on 2 different matters several years ago and found that when Mr. King was not presiding, others on the local Avon Hill Comm. seemed to interpret things based on their own personal aesthetics. I had supported (at inception) the Avon Hill NCD and have since become very apprehensive about what a small coterie of locals can deem to ok or deny. I still support it in theory but the execution has been scary.</p> <p>Mailings to abutters <u>have</u> improved in past year or so.</p>
38 Neg	Commission members also tried to impose personal taste changes in areas in which were not visible from the street, sometimes prolonging the proceedings considerably.
56 Neg	The purpose of the Avon Hill NCD is not problematic, but the committee proceedings were confusing and seemed to go beyond the charge. The chairman did not seem familiar with the regulation details.
2 Very Neg	The Commission is out of control. It is clearly run by a power-hungry pinhead (or pinheads) who think it is important to harass their neighbors with notices forbidding them from replacing ancient, inefficient windows with modern alternatives. The commission was approved as non-binding, but now, mysteriously, <u>all</u> of its reviews are binding. This is a naked power-grab if ever there was one. Let us out of this administrative nightmare.
5 Very Neg	In my experience certain members used the district meeting to promote their personal agendas and trespassed on my property to take measurements. I felt like I had to make unnecessary additions to my project just to get it approved expeditiously.
6 Very Neg	Officious interference with private property rights is not even mentioned as a possibility on this self-serving form.
15 Very Neg	<p>Response to “the Commission’s conclusion was based on stated standards”: “but too narrow”.</p> <p>Response to “efforts were made to persuade or encourage applicants to adopt more appropriate alternatives”: “minimal”.</p> <p>Open response: The commission’s handling of the 24 Bates St. petition was a disaster – both in result and process.</p>
21 Very Neg	The NCD has been a force of stagnation. The neighborhood has not developed as it should. Architectural diversity is appropriate. The NCD is dominated by a few very provincial neighbors and SHOULD BE ELIMINATED .
34 Very Neg	It seems to me that the Avon Hill NCD was constructed primarily to lower <u>MY</u> property value, since I am one of the few homeowners with a large lot in the area. In fact, when the Avon Hill NCD was established, one of my neighbors remarked “looks like they’ve put a bull’s eye on your backyard.”
37	Attached letter (scanned in):

Very Neg	<p>To the Cambridge Historical Commission regarding the Avon Hill Conservation District Boundary Study</p> <p>Given my scrawling handwriting, I would like to present my concerns about this "survey" to the CHC and the study group. I have designed and continue to design and implement surveys as part of my research as an academic. The questions posed in this survey force answers to dual items; one cannot respond to the items with precision. For example, I do not approve of subdivisions and appreciate the effort to keep that from happening as I assume the zoning guidelines require. However, I do think new construction on a home or as part of the homeowners property is reasonable given the city rules. These two items are part of the same question. You cannot agree with only one, the onerous (subdivision) and the potentially reasonable and within the zoning rules (new construction); thus there is confounding of meaning and the survey is flawed. Same is true for questions on "out buildings" - garages may be useful, appropriate, and contribute to the overall safety of the neighborhood but you put that with "large buildings" - the mix is again problematic. I threw my first copy of the survey away as did my husband; however, we both agree with my neighbors. We wish to be free of the arbitrary Avon Hill Conservation District. I deplore the arbitrary actions of some body of folks who are somehow designated to decide what happens on our street, above and beyond the zoning and historical commission rule and guidelines. Their recent decisions seem oddly corrupt.</p> <p>Thus, we join with our neighbors to request opting out of this district. I agree with them that " the most important efforts a commission could do, would be to understand and facilitate the needs of homeowners and allow and assist them to improve their property in a way that makes the property secure, convenient and safe for the home owner; and meeting their desires and needs, and still be architecturally coherent following the pattern of development of the particularly street on which the property is located." I also believe it is important for homeowners to be able to replace and redesign windows as desired; to upgrade their homes as they see fit within the zoning rulings and with design guidance from the historical commission. In addition, I adore green growth and green space is important to keep and we need to preserve or replace trees and to negotiate with those most affected.</p> <p>One example of corrupted decision and thinking was over the tree across from my home. I still regret the loss of four flowering trees offered by my neighbor across the way to replace an ailing town tree. The Avon Hill conservation commission opposed the replacement of the tree, and marched by the old tree, and forced our neighbor to leave it there to die a slow death. We now do not have the new flowering trees he offered for our side and his side of the street. We do not have the ailing tree in its scrawny state either. All because we had unreasonable and by the way undemocratic meddling by people who live somewhere else. I am the one who now looks at the treeless area. Such a PITY.</p> <p>Many of us wish to preserve the area and to keep over-development at bay. However, some oddities occur. Note the high cement barricades in our peach</p>
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	<p>house neighbors' garden - observable to those who border this turf which seems as if an underground spy pond is being built in the middle of Cambridge to be surrounded by a fortress. I chose not to protest as it is their lot and they are within the boundaries - but how did that get by the city zoning as it seems to be a project more suited for the vast spaces of New Hampshire. And why did the city allow the commission to block the building of an architecturally and historically appropriate tasteful garage that would not only protect cars from the nasty people who key and scratch cars on this street as they swing home from late night carousing but also help assure the owners safety. My own cars have been subject to abuse often from the ruffians on the street and from someone who threw shellac all it -- a costly vandalism. Who did this? I should keep it in my garage. If the neighbors wish to have a lovely little garage, why are they being stopped? Why does the AVH group get to decide this? Who elected them? What gives them the right to make decisions for our street?</p> <p>I view the commission's behavior as arbitrary. Based on several years of observation I feel the commission has acted ill a vindictive and racist manner (as against my neighbor across the street who some disapproved of the lovely project he was carrying out on his home, because he was "too rich" and "too Jewish" - I heard such comments). I do not know the Bagalays except superficially through their attempt to build a garage, but I still cannot figure out why they have been refused approval given its importance on this heavily traveled street (not the park described in the survey). It seems irrational. And my neighbor up the hill was the recipient of clubby behavior (no opposition to plans of those among friends) - and I too did not oppose what I believed was a tasteful addition designed for her by her dying husband.</p> <p>Is corruption the name of the Avon Hill Commission game? Perhaps not in terms of money but certainly in terms of petty favoritism and vindictiveness. Is it less concern for keeping things "historic" and more concern about providing the privileged from the street over with a backyard, as one declared. Well it is the front yard of this part of town and people and dogs use it and we clean up after them, but should it be the backyard of anyone other than those who live on these lots? Seems the peach house neighbors have had no trouble with intervention - they were allowed to build their fantasy in their back yard.</p>
47 Very Neg	One gets the sense that the members tend to be a little too "uppity" in dealing with homeowners, if not down right rude.
52 Very Neg	The commission members, in my case, were largely concerned with personal biases, and there has been no cohesive criterion for evaluation of architectural changes. Many members were rude and abusive in their behavior toward both petitioners and the general public.

Updated through survey #57, March 2006

Appendix F: Effect of Proposed Jurisdiction Changes on Avon Hill Cases, 2005-Present

Appendix F. Effect of Proposed Jurisdiction Changes on Avon Hill NCD Cases, 2005-present

Case #	Property/Address	Owner	Description	Certificate Issued under Old Rules	If New Rules per Committee's Final Draft Report	Change
AH-174	101 Washington Ave	C. Von Wentzel	Install flat solar panel (less than 1/3 of roof plane)	C-NA, not visible?	C-NA if not visible	0
AH-175	33 Agassiz St	33 Agassiz Realty Trust	new side entry, chimney, deck, drive	COA-Binding (NR)	Binding (NR)	0
AH-176	11 Bellevue Ave	Kathy Jenkins	dormers	COA-Non Binding	Binding because dormer	1
AH-177	32 Arlington St	Josh Posner	renovate carriage house	COA-Binding (NR)	Binding (NR)	0
AH-178	103 Avon Hill St	Jack Silversin and Mary Jane Kornacki	new roof with addition of 607 square feet, side deck, dormers	Application for binding COA withdrawn because of an objection to their variance	Binding because adding more than 500 square feet in B zone	0
AH-179	15 Raymond St	John & Judy Bagalay	on grade parking pad	COA-Non Binding	Non binding	0
AH-180	160 Upland Rd	Lisa Campoli	fences, front porch renovation/restoration	COA-Non Binding	Binding because changes to front porch	1
AH-181	47 Raymond St	Dagbjartson	garage, raise roof of bay	COA-Non Binding	Binding because roof change on bay	1
AH-182	160 Upland Rd	Campoli/Clancy	re roof	C-NA	C-NA	0
AH-183	45 Bellevue Ave	Elizabeth Bartle	replace sliding doors	C-NA	C-NA	0
AH-184	35 Raymond/31 Bates	Mark Golberg	bay addition	COA-Binding because variance	Binding because bay	0
AH-185	25 Washington Ave	Maryann Serra	renovate bathroom	C-NA	C-NA	0
AH-186	25 Washington Ave	Maryann Serra	roof shingles, one vent	C-NA	C-NA	0
AH-187	103 Avon Hill St	Jack Silversin and Mary Jane Kornacki	replace window sash with wood 8/8	C-NA Staff sign off, presumably because they were matching existing	Non binding	1

Appendix F. Effect of Proposed Jurisdiction Changes on Avon Hill NCD Cases, 2005-present

Case #	Property Address	Owner	Description	Certificate Issued under Old Rules	If New Rules per Committee's Final Draft Report	% Change
AH-188	92 Washington Ave	Dennis on behalf of Dahl	rehab carport	Applied for Binding (NR) COA; received COH (no quorum)	Binding (NR)	0
AH-189	62 Upland Rd	Frank Scibilia	reroof	C-NA	C-NA	0
AH-190	10 Humboldt St	Jessica Stern	skylights; replace 1 window	Applied for Binding (NR) COA; received COH (no quorum)	Binding (NR)	0
AH-191	62 Upland Rd	Frank Scibilia	interior renovations	C-NA	C-NA	0
AH-192	106 Raymond St	Raffael Cavallaro	interior renovations of bath, rear vent	C-NA	C-NA	0
AH-193	34-36 Mt Vernon St	Bette Noble Trust	egress, windows, balcony	COA-Binding because variance	Binding because change to roof for carved out balcony	0
AH-194	79 Raymond St	Ibrahimi/Griffith	windows, not visible	C-NA b/c not visible	C-NA if not visible	0
AH-195	40 Mt Vernon St	Rob & Geraldynn Gray	rebuild porch and steps to incorporate new storage area	C-NA presumably because not visible	C-NA if not visible	0
AH-196	1 Gray Gardens East	Sabine Iatridou	in kind door and window replacement	C-NA presumably because not visible	C-NA if not visible	0
AH-197	79 Raymond St	Ebrahimi & Griffith	replace windows	C-NA presumably because not visible	C-NA if not visible	0
AH-198	30 Arlington St	Alan Fein & Ellen Kolton	replace gutters	COA-Binding (NR)	Binding (NR)	0
AH-199	103 Avon Hill St	Kornacki & Silversin	2 basement windows, not visible	C-NA	C-NA	0
AH-200	79 Raymond St	Ebrahimi & Griffith	interior renovations, 2 exterior doors	C-NA presumably because not visible	C-NA if not visible	0
AH-201 (see case 181)	47 Raymond St	Dagbjartson	amend plan, bay addition (filed as an amendment to case 181)	(see case 181)		
AH-202	25 Arlington St	Robert Barber	roofing, gutter repair	C-NA	C-NA	0

Appendix F. Effect of Proposed Jurisdiction Changes on Avon Hill NCD Cases, 2005-present

Case #	Property Address	Owner	Description	Certificate Issued under Old Rules	If New Rules per Committee's Final Draft Report	*Change
AH-203	68 Avon Hill St	William Graham	repair retaining wall, drywell, repave driveway	C-NA	C-NA	0
AH-204	63 Mt. Vernon St, #3	Patty Jacobson	replace sash with clad (presumably with vinyl though application does not specify) sash	C-NA, why?	Binding b/c vinyl (presumably) clad	2
AH-205	65 Raymond St	Mark Goldberg	interior demolition and renovations	C-NA	C-NA	0
AH-206	10 Avon Pl	Jessica Miller	side ell addition	COA-Binding because variance	Binding because bay.	0
AH-207	79 Raymond St	Farah Ibrahim	renovation of apartment in garage, not visible	C-NA	C-NA	0
AH-208	25 Arlington St	Bonnie Neilan	remodel bathroom	C-NA	C-NA	0
AH-209	11 Bellevue Ave	Kathy Jenkins	change window on 3rd fl rear	C-NA, presumably b/c not visible	C-NA if not visible	0
AH-210	114 Washington Ave	Susan Cory	addition, roof, railings	COA-Binding (NR)	Binding (NR)	0
AH-211	31-35 Mt Vernon St	31-35 Mt Vernon Condo Trust LLC	replace roof shingles	C-NA	C-NA	0
AH-212	92 Washington Ave	Ophelia Dahl & Liz Frantzis	replace roof shingles with slate; construct new porch	COA-Binding (NR)	Binding (NR)	0
AH-213	37 Lancaster St	Patricia M Field	replace asphalt roof shingles on carriage house	C-NA	C-NA	0
AH-214	176 Upland Rd	Wendy Everett	alter side porch, steps, door, window; window and rear door not visible	COA-Non Binding; C-NA for not visible items	Binding because porch alterations; C-NA	1
AH-215	9 Washington Ave	Washington Condo Trust	replace portion of flat roofing materials	C-NA	C-NA	0
AH-216	12 Upland Rd	Paul & Joyce Barringer	replace 5 vinyl windows with same	C-NA	C-NA b/c preexisting vinyl	0
AH-217	18 Lancaster St	Becky Fulweiler	patch and repair roof and skylights	C-NA	C-NA	0
AH-218	62 Upland Rd	Frank Scibilia	replace window with French doors; interior renovations	COA-Non Binding; C-NA	Non binding; C-NA	0
AH-219	79 Raymond St	Scylla Properties, LLC	install fence per exemption guideline	C-NA	C-NA	0

Appendix F. Effect of Proposed Jurisdiction Changes on Avon Hill NCD Cases, 2005-present

Case #	Property Address	Owner	Description	Certificate Issued under Old Rules	If New Rules per Committee's Final Draft Report	*Change
AH-220	33 Washington Ave #6	Ann Cushman	bathroom renovation, window not visible	C-NA	C-NA	0

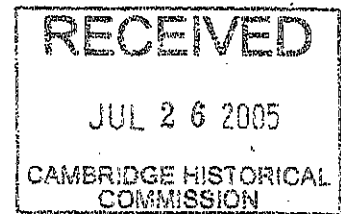
* This "Change" column notes when an increase or decrease in jurisdiction occurs under the new rules for binding review. 2 means a two-level increase (for ex, from a CNA under old rules to a binding review under new rules); 1 means a one-level increase; 0 means no change; -1 means decrease in jurisdiction by one level; -2 means decrease in jurisdiction by two levels.

Appendix G: Communications from the public

1. Theresa Hamacher letter of July 26, 2005
2. Arthur Bardige letter of August 2, 2005
3. Mary Jane Kornacki letter of January 18, 2006
4. John Bagalay letter of February 8, 2006
5. Nelson Gore letter of March 27, 2006
6. Eric Wodlinger memo of March 29, 2006

Theresa Hamacher

95 Raymond Street
Cambridge, MA 02140
(617) 492-6009
thamacher@mindspring.com



July 26, 2005

Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Historical Commission Members:

I am writing to explain why I filed a petition requesting that my home be removed from the Avon Hill Neighborhood Conservation District (AHNCD) and why I support the petitions filed by 17 of my neighbors.

I have appeared before the AHNCD on three occasions over the course of roughly seven years, to review planned renovations to the exterior of my home. My experience of the Commission was unpleasant on each occasion. For the following reasons I believe that the homes on Raymond Street should not be part of the AHNCD:

1. Unreasonable expense for small property owners.

On each of the three times I appeared before the Commission, I needed to submit plans for the renovation, which resulted in additional charges from my architect or designer. (Note that the AHNCD officially encourages "professional consultants" to attend meetings, a service that doesn't come cheaply.) I also needed to delay a portion of a project while awaiting AHNCD review, which resulted in construction inefficiencies.

I incurred this expense (not to mention the time spent attending meetings) even though all three reviews were "non-binding", meaning that I could proceed with my plans even if the AHNCD voted them down!

And it's not just the affected homeowners who incur additional costs. I am guessing that the formation of the AHNCD has tripled the number of times that homeowners in the district must appear before a city commission to review renovation plans. Since the city must maintain a considerable infrastructure to support this review, all taxpayers are paying the freight.

Yet what is the added value of the AHNCD? Most of the houses filing petitions (including my own) are subject to restrictive A-2 zoning. If a neighbor is planning a major renovation, we still have an opportunity to object at the Board of Zoning Appeal.

2. No objective basis for decisions.

Raymond Street is very eclectic, with the houses ranging widely in age and style. The general conservation standards for the AHNCD nowhere mention "aesthetic appeal", but many of us believe that the Commission bases a large number of its decisions on just that, lacking a historical reference point for a more objective decision.

My experience with the Commission certainly supports that belief. For instance, when I purchased my house — an 1890s center hall Colonial — it had several modern elements, added by the prior owners in the 1960s, when Cambridge's interest in the International Style was high. A Commission

63
July 26, 2005

Page 2

interested preservation would have considered asking that I keep the modern elements in my home. Instead, I was the only person to point out that a bit of Cambridge history was lost as I succumbed to the current fashion for uniform exteriors.

In addition, during two of my three trips to the Commission, a Commission member (two different members) made a negative remark about something on my house, on one occasion actually using the word "ugly". Ironically, in both of these cases, the Commission members were critiquing a feature of the house that was not part of the proposed renovation and therefore not up for review. But I think the comments illustrate exactly how confused is the mission of the AHNCD: rather than protecting "historical patterns of development", the Commission has become a venue for a small group of homeowners to impose their aesthetic judgment on the neighborhood as a whole.

3. No homeowner recourse.

For all practical purposes there is no appeal of Commission decisions. Residents have little influence on Commission procedures and policies. In addition, homeowners have no input on the selection of Commission members; in fact, it is my understanding that the members effectively select their own successors, making this a self-perpetuating body responsible to no one.

I have attempted to work within the system, by applying to become a Commission member. (I'm unwilling to criticize if I'm unwilling to do the work and bear the responsibility myself.) I have also complained via telephone to a member of the Cambridge Historical Commission staff about the inappropriate behavior of Commission members on the three occasions I made presentations. I made the same complaint to one of the Commission members. I attempted to discuss the matter with the then-Chairman of the Commission, but he hung up on me before I could provide any details.

In short, I feel that I belong to a homeowners' association where I have no say. While I applaud the Historical Commission for attempting to create a forum where the community can discuss proposed changes in our streetscape, I believe that the experiment has failed. Instead of decreasing neighborhood tensions, the AHNCD has only increased them.

I understand that the Historical Commission is considering appointing a study commission to review our request for removal from the AHNCD. I would like to put myself forward as a candidate for membership of that group. I believe I can represent the views of the petitioners and would undertake to communicate with them about the group's progress and proposals. I have attached an updated resume.

Sincerely,

Theresa Hanna

Zimmerman, Sally

From: Art Bardige [artbardige@hotmail.com]
Sent: Tuesday, August 02, 2005 10:15 PM
To: HistComm
Cc: betty@mailman.org
Subject: Aug 4 meeting on Avon Hill Petition

To: The Cambridge Historical Commission

We will unfortunately not be able to attend the meeting on this issue on Thursday because we will be out of town. I would thus like to the Commission to know our position on this matter. I strongly oppose removing Raymond Street or certain properties on Raymond Street from the Avon Hill Neighborhood Conservation District. I believe that our conservation district serves an important and distinctive function to help homeowners on Avon Hill to understand and protect the unique character of our neighborhood. Allowing individual homeowners or homeowners along one of the streets in the neighborhood to leave the District will destroy the integrity of the District and it sets a precedent that will enable individual homeowners to leave or indeed join the district at their own discretion. A Neighborhood Conservation District by its very nature requires that all of its members are treated equitably and fairly with the same set of general guidelines and broad requirements.

That said, I hope that the Cambridge Historical Commission will also attend to the significant and serious issues that have prompted some homeowners from Avon Hill to seek this drastic action. The NCD has a difficult role to play, it must seek to maintain the qualities of our neighborhood that we all treasure, and at the same time allow homeowners to make improvements and modernizations so essential to a living, breathing, city neighborhood that needs to continue to meet the demands of 21st and not 19th century living, and that represents the kinds of improvements and updates that homeowners who buy our expensive homes would like to be able make. I would agree with our neighbors and have experienced situations in which I believe that our Commission overstepped its bounds and failed in its essential mission to help homeowners to understand the essential character of our neighborhood and help them to meet their dreams and needs in ways that would not fundamentally change that character.

We can all have different views of how much we must hold to certain guidelines but if this board understood its role more as educators and less as police, more as supporters and less as guardians, more as visionaries and less as exact preservationists, I do not think that we would be having this hearing.

So as a deep believer in the mission of both the Cambridge Historical Commission and the Avon Hill Conservation District, I ask the Commission to consider the pain that has prompted this meeting and consider actions that would bring a wider range of opinions and ideas to the NCD, and suggest new guidelines for its hearings and rulings.

Thankyou for your kind attention. I would be more than happy to participate further.

Art

Art Bardige
Enablearning
617-864-2214
98 Raymond St.

8/3/2005

103 Avon Hill St - Cambridge, MA - 02140

65
RECEIVED

JAN 18 2006

CAMBRIDGE HISTORICAL
COMMISSION

January 18, 2006

Sally Zimmerman
Historic Commission
City of Cambridge
831 Massachusetts Ave
Cambridge, MA 02139

Dear Sally:

You had asked for input into the Avon Hill NCD Boundary Study Committee. My comments are not about whether Raymond Street should be allowed to secede but rather about how to better meet the purpose of the NCD.

First off, I am wholly in support of the concept of a NCD. Re-reading the purpose struck a positive note for me. I think having some group that offers recommendations and has input into the evolutionary process and physical transitions our neighborhood will continue to go through has merits. I was an original supporter of the district and remain one today.

This despite two hearings before the committee that were - without doubt - among the most humiliating and personally painful experiences I have had. I would not want to live through such an experience again nor would I wish it on friend or foe. I don't know for sure but I have a sense from talking with committee members that meetings don't usually get as hostile as ours were. So perhaps my experience is an anomaly.

Some thoughts as to what would have made our hearings (and perhaps the process overall) better:

- 1) Clearer communication to all involved about the nature of the NCD hearing. In our case we did need a variance and abutters used the NDC to bring up issues related to zoning like FAR. None of that discussion should have been tolerated. The NDC was - as I understand it - a review of appropriateness of the proposed structure PERIOD. That context needs to be clearly set in writing prior to the meeting and at the start of the meeting. Any comments from the public about anything not related to appropriateness should not be allowed.
- 2) In the future, it would be great if the CHC reaches out and asks the petitioner if they want a consultation with CHC staff prior to the NCD meeting as a way of

getting prepared. I have to assume that what comes before the committee ranges from the benign to the highly contentious. I think the offer of a pre-meeting especially when an issue is going to be contentious would be helpful to the petitioner to think through potential landmines.

- 3) When push came to shove in our case – abutters where against us raising our roof – the best the committee could come up with is “go back and work this out.” Unfortunately feelings were so hostile and I felt so “beat up” that expecting reasonable conversation without some help was unrealistic. We did resort to e-mails and even re-drew our plans but it did not engender the dialogue that would have been helpful. It would be a real service if one or more committee members (perhaps given some training in mediation if that is not part of their professional skill set) had been willing and equipped to bring all parties together and talk about how different perspectives might be aired civilly and resolved. If issues are really “hot” it is not realistic to expect neighbors to “work things out.” I would like to see the committee play a more active role here.
- 4) If the committee is empowered to make binding recommendations they need to be viewed as trusted, impartial and capable decision-makers. This is not my personal issue as we never got as far in the process as to ask the committee to vote one way or the other. But, I know others feel: “who are these folks to be sitting in judgment of my plans for my private property?” Every individual who sits on the committee must inspire the public’s confidence and trust. If that is not the case, the integrity of the NCD process is in question. I’m not sure the committee really understands how perceptions undermine trust in them. That may mean that individuals CVs/bios need to be included in the mailings before a hearing. The credentials of all individuals on the committee could be reviewed at the start of the meeting. There probably are steps the current committee could take to shore up perceptions of its fairness and competence. If decisions were not binding this might be less of an issue. As long as some decisions are binding – and for homeowners that means the stakes are high – it is the responsibility of the committee to work to engender trust in its opinions.
- 5) I suggest more proactive events that could serve to educate all neighbors about issues relevant to preservation and architecture and what “fits” and doesn’t. This may be a bit outside the scope of the committee. But, if the NCD concept is going to be seen as value-added, the committee has to do more to demonstrate that value. Could there be once or twice yearly architectural walks, tree walks, or historical talks? I’m thinking of the kind of activities that took place when the district was getting organized. Proactive communication also helps build trust in committee members and the process overall.
- 6) Lastly, the current process feels too much like a trial with a judge and jury (the “front” of the room, the rows of chairs for the public). Everything about the physical setting reinforces that the petitioner is there to ask for a judgment or a favor. To support true dialogue a different physical layout is needed (round table,

everyone able to face each other). It felt too much like a "hearing" like one would have before the zoning board. That's not the original intent...it was to engender dialogue about change. Unless I have this all wrong, the underlying premise of the NCD is that the neighborhood *will* change. The committee is not there to preserve Avon Hill as it is today. It is to have some influence so that as change happens (as it invariably will) renovations and new structures are as compatible as possible with the underlying nature of the neighborhood.

Those are my thoughts and suggestions. I think it would be a loss if popular support for the NCD wanes. I do think that is a possibility. In my opinion change is needed – but let's not throw the proverbial baby out when there is so much potential good in this process.

Sincerely,

Mary Jane Kornacki

MEMORANDUM

8 February 2006

TO: The Avon Hill Neighborhood
Study Committee

FROM: John E. Bagalay

My concerns with respect to the Avon Hill Neighborhood Conservation District (District) are 1) with that fact that it is not responsible or answerable to the property owners in the District and 2) with the substantive exercise of the authority granted the District Commission (Commission). The Study Committee should address these issues. They affect all property owners in the District. We will all be served by pragmatic analysis.

Election of Commissioners

The fundamental principle of government in the United States is that the authority to govern is based on consent of the governed. The legal power conferred on the Commission does not derive from consent of those it governs. The Commissioners are not *chosen* by property owners in the District. They are *picked* by the City Manager of Cambridge for reasons unspecified to property owners in the District. The people who live in the District have no say in the selection of the Commissioners who have control over what the property owners may do with or on their property. The solution to this political anomaly is simple: Establish an election procedure under which those who want to be Commissioners announce their candidacy for office and appear before the property owners in the District to make clear what they will do if elected and to answer questions posed by the property owners.

Conduct of the Commission

The conduct of the Commission reflects the conduct of the individual Commissioners. The Commissioners may or may not adhere

to the rules and guidelines under which they control the affairs of the District. The property owners are entitled to rely on the published guidelines and rules that govern the Commission's conduct. They cannot now so rely. The Commission, in fact, acts arbitrarily by "cherry-picking" among the rules and guidelines depending upon the personal views of the Commissioners. So blatant is this arbitrary conduct that the Commissioners are not even embarrassed to say publicly that for personal reasons they like or dislike property owner plans submitted to them for review. Some say that they do not like homes the front entry of which does not face its street. Some say that they simply do not like garages. Some disapprove of a property owner's proposal because they do not want to look at a proposed structure during their personal daily strolls down the street.

The conduct of the Commission may or may not be improved by a change in its membership. Changing appointed commissioners is not a substitute for their direct election by property owners in the District. Plato's philosopher kings lifted the burden of government from the governed by assuming it was possible to identify those persons who *actually* know what is best and act in accord with that knowledge. That did not work in Plato's Athens. It does not work in present day Cambridge with its strong belief in participatory democracy. We should require that those who are chosen as Commissioners are responsible to the property owners in the District and act in accordance with rules and principles clearly understood by the property owners in the District. The present method for picking the Commissioners is defensible only on the assumption that these unelected commissioners will know what is best for the property owners and issue their rulings on that basis. That is an unsupportable assumption.

The Study Committee

The Cambridge Historical Commission (CHC) asked the Study Committee to recommend whether the boundaries of the District should be broadened or contracted. The CHC further charged the Study Committee to consider the eighteen petitions asking that the limits of the District be re-drawn to exclude petitioners' properties on Raymond Street and West Bellevue Avenue. When these eighteen petitioners (out of 24 homeowners in this area) filed their petitions they demonstrated that they do not want to be subject to the arbitrary and insensitive authority of the Commission.

However, it is not just objections to the conduct of the Commission that caused the petitions to be filed. It is because Raymond Street and the West Bellevue Avenue share virtually none of the characteristics that were recited as common to the properties within the District and upon which creation of the District was predicated. Their properties are not architecturally consistent with the other houses in the District. Petitioners properties are in an urban, heavily traveled area leading directly to Linnaean and Huron Streets. The only two parking lots in the District are located in or proximately related to petitioners' properties. These characteristics do not exist for the other properties in the District. This contention is an empirical question that cannot be answered on the basis of what one prefers. Rigorous examination of the facts is required. Because it was the filing of their petitions that caused the Study Committee to be appointed petitioners are entitled to know the factual basis of the Study Committee's recommendation concerning the petitions. Petitioners and other District property owners would also like to know whether the Study Committee agrees that Commissioners should be elected by and responsible to the property owners in the District.

The petitioners are not insensitive to the primary motivation for the adoption and continuation of the existing system. If, as I believe it is, the impetus underlying creation of the District is to prohibit the construction of new multi-family dwellings in the District then it is not necessary to keep petitioners' properties in the District to secure this objective. Multi-family dwellings are *already prohibited* by zoning regulations in the areas in which petitioner's properties are located. Only for two family houses at the Northern end of Raymond Street are multi-family dwellings allowed. Moreover, the Study Committee should take comfort in the fact that the relief sought by the petitioners does not affect the exercise of jurisdiction over The Avon Hill Historic District that is distinct from although included in the District.

cc: The Honorable Kenneth Reeves, Mayor
Members of the City Council.

Nelson Gore
60 Raymond Street
Cambridge, MA
02140

March 27, 2006

Avon Hill NCD Boundary Study Committee

The past abuses of the Avon Hill Conservation Commission have been well documented. No petitioner should have to suffer having their project called an "abomination" or a "blight on the neighborhood".

Generalized prejudices such as the one the Commission holds against any and all garages should simply not be allowed. This Commission has in many cases overstepped it's function by forming arbitrary likes and dislikes which only reflect the personal feelings of some of the members of this board.

Characterizing all garages as a "blight on the neighbor hood" as Mr. Medwed and some others have done is simply wrong.

This board needs to consider first and foremost the architectural correctness of a petitioners plans and secondly the reaction of the immediate neighborhood residents. It has in the past not prioritized either of these criterion, or simply given lip service to it.

In my own case I went through two difficult and abrasive hearings to be voted down 4 to 1. Only one member of the Commission had the decency to write to me after my project was completed to tell me how much she liked it and was sorry she opposed it. I have enclosed copies of this note. This Avon Hill Conservation Commission has consistently ignored the feelings of the residents and relied upon it's own personal prejudices.

I think it is important that this study group seriously consider recommending that the binding power that has been given to this Commission be removed. The Commission should exist to help the community, not dictate to it. The Commission can hold its hearings and work with petitioners to come to a satisfactory design. If it then feels there is a good reason for a project not to build as designed, it can make its recommendations known to the zoning board.

Yours truly,

Nelson Gore



Memo

DATE: March 29, 2006

TO: Avon Hill Neighborhood Conservation District Study Committee

FROM: Eric W. Wodlinger

RE: Raymond Street Petitions to Amend the AHNCD Boundary

I have advised Mr. and Mrs. John Bagalay and some of their neighbors with respect to the subject matter before the Study Committee, and have been asked to submit this memo to memorialize the points noted below for the Committee's convenience.

The residents of 18 of the 28 houses on Raymond Street and West Bellevue Avenue (64%) signed petitions to withdraw Raymond Street and West Bellevue Avenue from the Avon Hill Neighborhood Conservation District ("AHNCD"). These petitions were based upon dissatisfaction with the composition and conduct of the AHNCD Commission (the "Commission") and a strong desire to be free from the veto power which that Commission exercises over virtually any improvement proposed to the petitioners' properties. While it is true that some of the dissatisfaction arose from the conduct of individual Commission members, much of the impetus for the petitions is based upon objective factors; namely, the physical circumstances of the houses on these two streets, the absolute veto power effectively given to the Commission, and the undemocratic/unelected composition of the Commission itself.

The petitioners believe that Raymond Street differs significantly from most of the streets within the AHNCD, in that it is a major thoroughfare with a much heavier burden of traffic and with traffic moving at a much faster speed.¹ Most of the streets within the AHNCD in contrast, are purely residential in nature and carry a much lower volume of traffic at significantly lower speeds. Thus the residents of Raymond Street frequently feel a need to improve their properties to mitigate the impacts of the noise and diminished privacy resulting from the greater traffic burden. The AHNCD takes no account of this greater burden and considers applications from Raymond Street under criteria drafted in relation to the much quieter back streets of Avon Hill.

For historical reasons, the houses on Raymond Street have no consistent architectural style, but instead reflect a broad variety of architecture. In addition, these houses are not uniformly oriented to face the street frontage; a considerable proportion are oriented towards lot sidelines. In contrast, much of Avon Hill was built using a common architectural palette, popular between

¹ The Traffic Department estimates a volume of 3,500 vehicle trips per day. See e-mail attached.

the Civil War and 1900. Similarly, a large majority of the houses are oriented towards their street frontage and do not face lot sidelines. Again, the criteria drafted to address Avon Hill, and in particular the National Registry District portion of the neighborhood do not readily apply to Raymond Street and West Bellevue Avenue. Moreover the AHNCD Commission has consistently refused to recognize these differences, even though none of the properties on these two streets are in the National Registry District.

In consequence, the petitioners' first preference is for the Study Committee to recommend that the AHNCD boundaries be revised to exclude all of the houses on Raymond Street and West Bellevue Avenue. Alternatively, most of the petitioners would be receptive to an amendment which would give the AHNCD advisory jurisdiction only over the properties on these two streets. Some of the petitioners believe that the knowledge and technical assistance which may be offered by the Cambridge Historic Commission's ("CHC") staff, are of considerable value and utility.² There is some difference of opinion among the petitioners whether CHC staff assistance may be available without being part of the AHNCD. In either event, the input of the expert staff is generally thought to be helpful, but only on an advisory basis.

Lastly, it appears that a minority of the petitioners would be willing to stay within the AHNCD if the Commission's authority were limited in a manner similar to the authority of the CHC under the Demolition Delay Ordinance. Under this view, the AHNCD would have the authority to delay the issuance of demolition and building permits for six months, if they believe that these changes would be historically inappropriate. If the homeowners were not persuaded within that six month period to modify their proposal, they could then proceed with the work as proposed, or proceed to obtain such zoning relief as may be necessary for the work they propose. (Please note that if the Study Committee were to recommend such a limited authority, it appears there would still be some of the petitioners who would press for advisory authority only without any ability to delay proposed improvements which the AHNCD Commission felt were inappropriate.)

EWV:acg

² For example, the Bagalay's proposed use of a 1923 garage design based on plans drafted by the architect who designed their house, L.L. Howe, was encouraged by Sally Zimmerman.

Subject: streets and volumes

From: "Parenti, Jeff" <jparenti@CambridgeMA.GOV>

Date: Wed, 18 Jan 2006 11:42:08 -0500

To: <jbagalay@comcast.net>

judy-

we have three major classifications of roads:

- artery. used mostly for mobility (e.g. massachusetts avenue) over ~12,000 cars per day
- collector. a mix between the uses
- local. used mostly for access to homes and businesses (e.g. bates street) under about ~3000 cars per day

linnaean: collector, about 4000 cars per day (estimated)

upland: collector, about 5000 cars per day

massachusetts avenue: artery, about 30,000 cars per day

raymond: collector, about 3500 cars per day (estimated)

jeff parenti

traffic engineer

city of cambridge

617.349.4715

Appendix H. Historical Development Patterns of Raymond Street and West Bellevue Avenue

Laid out in the 1630s, Raymond Street, called the Highway to the New West Field, ran northwest from the northern boundary of the Cambridge Common (present-day Linnaean Street), alongside the New West Field, a 1638 subdivision that partitioned Jones (now Avon) Hill into twenty-four small farms. Raymond Street is an important artifact of the neighborhood's historical development and, along with Linnaean Street and Massachusetts Avenue, one of the district's earliest cultural features.

Despite its early origins, Raymond Street was not developed until long after railroad service was introduced at Porter Square in 1843, an event that opened closer neighborhoods to residential development. Two early houses remain on Raymond Street from this nascent development period: the Greek Revival house at 49 Linnaean Street (corner of Raymond), built in 1847 for the retired head gardener of the Botanic Gardens, and the house at 87 Raymond Street, built in 1846-47 for George Wyatt, a brickmaker. Other than the 1682-83 Cooper-Frost-Austin House at 21 Linnaean Street, the two Raymond Street properties are the earliest surviving houses in the Avon Hill Neighborhood Conservation District.

Raymond Street was widened in 1856 by taking a portion of the Botanic Garden on its west side, and accepted as a public way. It acquired its present name at that time, after Zebina L. Raymond, mayor of Cambridge in 1855 and 1864. Two more large houses were constructed soon after the street widening: the Mansard/Italianate Henry Fuller House at 79 Raymond Street, built in 1857, and the 1859 Jonas Wyeth house (demolished 1922) on the site of 60 Raymond Street. The Wyeth House, later owned by Edwin Dresser, stood in an estate which, when sold by the Dresser heirs, was developed as Gray Gardens East. The Fuller House remains an indication of the scale of the properties on Raymond Street prior to the 1880s.

The next phase of Raymond Street's development occurred in the 1880s, as Upland Road was graded from Washington Avenue west to Raymond Street (1888); a new street, Bellevue Avenue, to the east of Raymond Street, was laid out in 1884 by Charles Mason, a civil engineer whose father, William A. Mason, an important land surveyor in Cambridge, had owned the house at 87 Raymond Street since 1851.

Inspired by his success, Mason laid out West Bellevue Avenue in 1889, the two streets connecting across Raymond and Avon Hill streets and terminating in cul-de-sacs. The houses at 77 Raymond (1888, demolished or possibly substantially remodeled in 1938), at 5 West Bellevue (1889), and 9 West Bellevue (1840, moved from 25 Follen Street in 1889) were the forerunners of a building boom that took place in the 1890s.

The next phase of development on Raymond Street saw the top of the hill filled in with Queen Anne and Colonial Revival style houses. Dating from this phase of the street's devel-

opment are 84 Raymond (1891), 98 and 106 Raymond and 6 West Bellevue Avenue (all 1892), 90 and 95 Raymond (both 1896), and 103-105 Raymond and 10 West Bellevue (both 1898). An outlier of this trend was 47 Raymond Street (1893), constructed for a Boston high school teacher on land acquired from the Dresser family.

The last section of the street to open for development was the land of Charles W. Cook, a Boston real estate broker who purchased a 2.5-acre field at the bottom of the hill from the heirs of Jacob Bates (1788-1861) and laid out Bates Street in 1886. The houses at 17 and 21 Bates (1886) were built immediately thereafter, and in 1905, the three-unit house at 32-34 Bates/29 Raymond Street. Several years after Cook's death in 1916, the land was sold and additional lots were developed with the construction of 15 Raymond (1922), 27 Raymond (1925), 31 Bates/35 Raymond (1926), and the large apartment building at 41-43 Linnaean Street (1922).

The Gray Gardens East development saw the construction of 60 and 72 Raymond (both 1927). Subsequent infill of the one remaining lot on the street (57 Raymond, 1955) and redevelopment of other parcels (102 Raymond, 1892 stable converted to residence, 1953; 77 Raymond, remodeled/rebuilt 1938, expanded 1960) completed the development of Raymond Street and West Bellevue Avenue.

Alterations of these properties have included construction of garages, porch enclosures, fence construction, modernizations and other modest alterations. No demolition has taken place since the 1922 razing of the Dresser House.

Sally Zimmerman

Feb. 14, 2006

Appendix I: Avon Hill NCD Properties Listed on the National Register of Historic Places

The following properties in the Avon Hill Neighborhood Conservation District are individually listed on the National Register of Historic Places or are located in the Avon Hill National Register District

Agassiz Street: 27-33 and 18-32
Arlington Street: 11-43, 8-42
Gray Gardens East: 2
Hillside Avenue: 11
Humboldt Street: 9-17 and 4-14
Lancaster Street: 5-37, 16-36
Linnaean Street: 21
Mt. Vernon Street: 50
Raymond Street: 60, 87
Upland: 80, 100, 140
Walnut Avenue: all
Washington Avenue: 19-107, 26-114

Appendix J. Proposed Amendments to the Present Avon Hill NCD Order

I. Preamble and Purpose

The Avon Hill neighborhood is characterized by 19th and early 20th century residences of significant architectural quality sited in a cohesive pedestrian-oriented neighborhood of pleasant streetscapes with ~~little automobile traffic~~, abundant mature trees and plantings, and vistas through to surrounding properties. The Avon Hill neighborhood contains National Register-listed properties of city-wide significance. It and is marked by the diversity of its turn-of-the-century architectural design and by the evolution of that architecture as subsequent owners have updated properties. The generous size of the neighborhood's lots and buildings contains substantial scope for subdivision, new construction, and additions which could alter or diminish the qualities and characteristics that render the neighborhood an attractive and desirable place in which to live. It is therefore recommended that an Avon Hill Neighborhood Conservation District be established for the following purposes.

The purpose of the Avon Hill Neighborhood Conservation District (the "District") is to guide change in order to preserve, conserve and protect the beauty and heritage of the District's architecture and landscape, to improve the quality of its environment. The District Commission should seek to preserve and enhance the visual form of the District and encourage design consistent compatible therewith; preserve its architecturally and historically significant structures; and mitigate any adverse impact of new development on adjacent properties and areas. ~~The District Commission should also seek to; to establish a process for accommodating changes to properties in the District, to ensure that additions and alterations to properties are compatible with the character of the District, to offer a forum for neighborhood dialogue about changes to properties in the District, to provide technical assistance to District property owners on issues of conservation and preservation, to foster wider public appreciation of the District, and to promote the public welfare by making the District a more attractive and desirable place in which to live.~~

II. Definitions

"Total Lot Coverage" means the combined total square footage of the footprints of all structures standing on the premises, including buildings, accessory buildings, such as garages, and structures, such as covered porches and decks over 2.5' above grade, whether or not those structures constitute floor area as it is defined in the zoning ordinance then in effect.

"Green Space" means the portion of the premises which is not covered by structures, including buildings, accessory buildings, such as garages, and structures, such as covered porches and decks over 2.5' above grade, whether or not that portion constitutes usable open space as it is defined in the zoning ordinance then in effect. For the purposes of this order, "green space" includes walks, driveways, and sidewalks.____

"Open Vista" means the visual impression of green space from a public way.

III. Membership

Pursuant to Paragraph A, Section 2.78.160 of Article III of the Chapter, the Avon Hill Neighborhood Conservation District Commission shall consist of five members and three alternates appointed by the City Manager and shall have qualifications as defined in paragraph A., with the additional recommendation that one member or alternate of the Commission shall have expertise in architecture or architectural history and one member or alternate of the Commission shall have expertise in landscape architecture.

IV. Review Authority

The authority of the Commission shall extend to the review of all construction, demolition, or alteration of exterior architectural features, other than color, within the District.

V. Determinations of the Commission

A. Binding Determinations

The determinations of the Commission shall be binding regarding exterior alterations of National Register-listed or National Register-eligible properties. The determinations of the Commission shall also be binding with regard to applications:

1. to construct a new building, as defined in the zoning ordinance then in effect;
 2. to construct an accessory building, as defined in the zoning ordinance then in effect;
 3. to construct a parking lot as a principal use;
 4. to construct an addition to an existing structure that would increase its gross floor area by more than 750 square feet in the A-2 zone or more than 500 square feet in the B and C-1 zones;
 5. to construct an addition to an existing structure that would increase the total lot coverage on the property to ~~3035%~~ 35% or more in the A-2 zone or to ~~4045%~~ 45% or more in the B and C-1 zones;
 6. to demolish an existing structure not originally used to garage automobiles that has a footprint that exceeds 150 square feet ~~and if a demolition permit is required;~~
 7. to install vinyl siding, where it does not already exist, or to install vinyl, vinyl-clad, or aluminum windows, where they do not already exist;
 8. to alter, add or remove bays, dormers, porches, and/or roofs.
- ~~to alter the exterior architectural features of a building listed on or determined eligible for listing on the National Register of Historic Places;~~
- ~~to alter the exterior architectural features of a structure that requires a variance or special permit under the zoning ordinance then in effect; or~~

- ~~to alter the exterior architectural features of a publicly owned structure or of a structure containing a use established or continued by variance or special permit, or proposed to contain or continue a use that would require a variance or special permit under the zoning ordinance then in effect.~~

Any binding determination may contain conditions as the Commission finds to be necessary to fulfill the terms of Section VI of this order. Such conditions may impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. In imposing binding conditions on the issuance of a certificate, or in denying a certificate, a concurring vote of at least four (4) of the members of the Commission shall be required. All determinations that impose conditions on an applicant shall be in written form stating the findings of fact and the standards upon which the conditions were found to be necessary.

B. Non-binding Determinations

All applications other than those listed in Section V, A. or C. of this order shall be subject to administrative review by the staff of the Cambridge Historical Commission. The staff's recommendations in these cases shall be advisory only and not binding on the applicant. The following procedures shall be followed:

- a. The property owner shall submit an application to the staff. The same application requirements and supporting documents that presently exist for Avon Hill Neighborhood Conservation District (NCD) Commission non-binding reviews shall apply to staff non-binding reviews.
2. The staff will contact the applicant within 5 working days of the receipt of a completed application to schedule a meeting, if the staff considers it necessary in order to conform to the purposes of this Order.
3. The meeting between the staff and the applicant shall occur within 14 working days of the receipt of a completed application. If the applicant does not attend the meeting, the staff may opt to defer issuance of a certificate and schedule a public hearing before the Commission.
4. The applicant may also request a non-binding review by the Commission instead of or in addition to review by the staff.
5. A non-binding certificate of appropriateness, hardship, or nonapplicability or a non-binding certificate of denial will be issued by the staff within 7 working days of the date of the meeting with the applicant unless further information is requested by the staff, in which case the certificate shall be issued within 7 working days of the submittal of the requested further information.

If aggrieved by the staff determination, the owner may appeal the determination at a public hearing of the Avon Hill NCD Commission.

~~In all other cases than those listed in Section V, A. or C. of this order, the determinations of the Commission shall be advisory only and not binding on the applicant.~~

C. Exemptions

The authority of the Commission shall not extend to the following categories of structures or exterior architectural features and such structures or features may be constructed or altered without review by the Commission.

1. The alteration of exterior architectural features on the premises of a property in the District in a manner that does not increase or diminish the existing building envelope and that does not require the removal, enclosure, or addition of any cornice, fascia, soffit, bay, porch, hood, cornerboard, window sash, window or door casing, or any other decorative element, including historic shingled siding, wood or copper gutters and downspouts, and copper, slate or wood shingle roofing, and that does not alter the shape of a roof.
2. The construction of terraces, walks, driveways, sidewalks, and similar structures that do not involve a change in grade level and that are not to be used for parking between the principal front wall plane of a building, or principal front and side wall planes of a building that occupies a corner property, and the street.
3. The construction of walls and fences less than four feet high as measured from the sidewalk or existing immediately adjacent grade and located between the principal front wall plane of a building, or the principal front and side walls of a building that occupies a corner property, and the street. Walls and fences less than six feet high elsewhere on a property shall not be subject to review.
4. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify.
5. Storm doors and windows, screens, and window air conditioners.

VI. Statement of Principles, Standards, and Guidelines for Review

The Commission shall apply certain principles, standards, and guidelines for review in addition to those contained in Article 2.78.220 A. and B. in considering applications for certificates of appropriateness, non-applicability, or hardship.

A. Principles of Review:

The Commission encourages property owners to invest in their properties and seeks to guide change so that it is consistent compatible with the visual character of the neighborhood. The Commission recognizes the capacity of certain properties in the District for additional development under applicable provision of the zoning code and affirms its consideration of proposed additions and alteration to such properties consistent with the terms of this order. The Commission seeks to achieve consensus determinations based on the available historical record, recommendations from members, alternates and staff, and comments from applicants

and abutters and consistent with the terms of this order. The Commission affirms its role as a technical advisor to applicants on issues of conservation and preservation.

B. General Conservation Standards:

All applications shall be considered in terms of the impact of the proposed new construction or alteration, relocation or demolition of an existing building on the District as a whole, and in addition with regard to the potential adverse effects of the proposed construction, alteration, relocation, or demolition on the surrounding properties and on the immediate streetscape. General conservation standards shall be to:

1. Balance the interests of homeowners desiring to make changes in their property with the neighborhood's interest in conserving the historic development patterns of the neighborhood, including its green space, open vistas and generous setbacks, and predominately low density lot coverage;
2. Enhance the pedestrian's visual enjoyment of the neighborhood's buildings, landscapes, and structures;
3. ~~Protect structures listed on or determined eligible for listing on the National Register of Historic Places;~~
3. Encourage the preservation of the visual form of the neighborhood's buildings, landscapes, and structures;
4. Maintain the diversity of the neighborhood's architectural styles.
5. Protect structures listed on or determined eligible for listing on the National Register of Historic Places;

C. Conservation Guidelines for Avon Hill:

The following guidelines establish the conservation principles to be encouraged within any given application.

1. Infill Construction and Additions: In the A-2 zone, infill construction (including accessory buildings) and additions should not cause total lot coverage to exceed ~~30~~35%; in the B and C-1 zones, infill construction and additions should not cause total lot coverage to exceed ~~40~~45%. In addition to considering streetscape impacts of infill construction and additions, vistas into and through the site from surrounding public ways should be conserved. Impacts on significant landscape features and mature plantings should be minimized. Additions should be compatible with the architectural character of the principal building and its surroundings, should be sited away from principal elevations, and should respect the cornice height of the original building.
2. Parking: Where parking between the principal front wall plane of a building and the street is proposed, curb cuts and the square footage of paved area devoted to parking should be minimized. Paving in permeable materials is encouraged. Low fencing, low walls, and plant materials to screen parking areas are encouraged.
3. Fences: Fences should be low and transparent to conserve vistas into and through properties and to enable the pedestrian's visual access to the character of the district. The desire for enclosing private spaces should be balanced against the historically-

open character of vistas in the district. Fences needed for privacy should enclose the minimum area necessary to achieve their intent and should leave a portion of the premises open to view from the public way. Where safe and appropriate, privacy fences should be set back behind a planting bed to avoid creating a vertical plane directly on the public way.

4. Architectural Features: Architectural features such as siding, trim and windows should be consistent compatible with the style of the building. Vinyl fences, vinyl siding, and vinyl windows should not be used.

D. Construction of a New Building, including Accessory Buildings

Review of the design of a proposed new building, accessory building, or relocated building shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the project shall be among those considered:

1. site layout;
2. volume and dimensions of the building;
3. the scale of the building in relation to its surroundings;
4. provisions for open space and landscaping;
5. provisions for parking.

E. Demolition or Relocation of an Existing Building:

The Commission shall apply the provisions of Article II of Chapter 2.78 with regard to the proposed demolition of an existing building, and in addition shall consider the following factors:

1. the architectural and historical significance of the building to be demolished, recognizing the eligibility or listing of the building on the National Register of Historic Places;
2. the physical condition of the building;
3. a claim of substantial hardship, financial or otherwise; and
4. the design of the proposed replacement structure, if any.

F. Alterations to Existing Buildings: Review of proposed alterations to an existing building, and of all features not exempted from review under Section V above, shall be made with regard to the following factors:

1. the architectural and historical significance of the building to be altered;
2. the extent to which the integrity of the original design has been retained or previously diminished; and
3. the potential adverse effect of the proposed alteration on the existing structure, surrounding properties, and the District as a whole.

VII. Coordination with Other Agencies and Boards

The Avon Hill Neighborhood Conservation District Commission, Board of Zoning Appeals, Inspectional Services Department, and other City boards, agencies, and officials are directed to coordinate all review, hearing, permitting and other procedures relative to physi-

cal changes within the District to the extent practicable, consistent with their respective responsibilities.

VIII. Procedure

In addition to the provisions of Section 2.78.220 and 2.78.230 of Article III of Chapter 2.78, the Commission shall observe the following procedural requirements:

~~A. For any non-binding reviews conducted by the Commission, the Commission, or the standing committee or subcommittee designated by the Commission for the purpose of conducting non-binding reviews, shall review the application at a public meeting, notice of which shall be given not less than seven days prior to the meeting by publicly posting such notice in the office of the City Clerk and by requiring the applicant to post on the premises that are the subject of the meeting, notice(s) of any meeting upon the application, in the manner provided below.~~

~~Applicants shall be required to place one or more public notification panels on the premises that are the subject of the meeting. The panels shall be posted not less than seven days prior to the meeting and shall be maintained in public view and legible condition until the Commission's decision is filed with the City Clerk. The panels shall be secured by the applicant from the Cambridge Historical Commission and shall be located as indicated on a plan provided by the Historical Commission. Panels shall be securely mounted on the subject premises at the street line or within the property, but not more than 20 feet from the street line, so as to be legible to persons passing on the public street without the necessity of trespass onto private property. Stolen, destroyed, or illegible panels shall be promptly replaced and panels shall be promptly removed after the filing of the Commission's decision.~~

~~The text of the panel shall identify the street address of the application; the date, time, and place of the public meeting; the nature of the action requested; the place where the application may be inspected; the application case number; and the address and phone number of the Historical Commission, where further information may be obtained. Panels shall be not less than 18 inches by 24 inches in dimension, with text no smaller than 12 point type. Panels shall be made of materials adequately weather resistant and sufficiently durable to be maintained for the required period of notice.~~

~~When taking action under the non-binding provisions of Section III of this order, the Commission or its designee shall make its determinations within fourteen days after the filing of a complete application for a certificate of appropriateness, non-applicability or hardship, or such further time as the applicant may in writing allow.~~

BA. When taking action under the binding provisions of Section V of this order and Sections 2.78.190, 2.78.200, 2.78.210, and 2.78.220 of Article III of Chapter 2.78, the Commission shall make its determinations within forty-five days after the filing of a complete application for a certificate of appropriateness, non-applicability, or hardship, or such further time as the applicant may in writing allow.

EB. In addition to any appeal allowed pursuant to Section 2.78.240 of Article III of Chapter 2.78, the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

EC. Four members shall constitute a quorum of the Commission.

IX. Appeals

Pursuant to Section 2.78.240 of Article III of Chapter 2.78, any person aggrieved by a determination of the Commission may appeal to the Cambridge Historical Commission within twenty (20) days after the filing of such determination with the City Clerk.

X. Ordinary Maintenance

Pursuant to Section 2.78.200 of Article III of Chapter 2.78, nothing in this order shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature of the District which does not involve a change in design or materials or the outward appearance thereof.

XI. Reports to City Council

The Avon Hill Neighborhood Conservation District Commission, and the Cambridge Historical Commission and the Planning Board shall submit a report, not later than the third anniversary of the date of this amended order, and on each subsequent third anniversary, to the City Manager and City Council summarizing the activities of the Commission during the previous two years ~~following the date of the order~~. In preparing this report, the Commissions shall hold a joint public hearing to determine the opinion of neighborhood residents. The report shall also submit any recommendation which any of the signatories thereto may have with respect to amending the powers, responsibilities and/or procedures of the Commission or of any other city board, commission or agency with respect to the Avon Hill Neighborhood Conservation District.